



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/346,040 11/29/94 MARISETTY

S 42390.F2319

EXAMINER

TRAVIS, J

ART UNIT

PAPER NUMBER

BGM1/0730
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES CA 90025

2305

DATE MAILED:

07/30/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 5-28-96 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-35 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☒ Claims 1-24, 26-28 are allowed.
4. ☒ Claims 25, 29-35 are rejected.
5. ☒ Claims 25 are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Art Unit: 2305

Part III DETAILED ACTION

Response to Amendment

1. Under the Remarks section of the amendment, Applicant indicated that a red-ink drawing correction had been submitted. However, no corrected drawing could be found in the file. Applicant is requested to resubmit the drawing correction with the next amendment. As a matter of form, the original drawing objection has been repeated in this Office action.
2. The objection to the specification has been corrected by the amendment and is withdrawn.
3. The §112 rejection to claims 12-15 has been corrected by specifying a virtual device driver in independent claim 11, and claims 16, 17, 19 and 20 have been similarly modified to be consistent with this change. The previous §112 rejection is therefore withdrawn. The change to claim 11 also overcomes the prior art rejection to claims 11-20 by specifying a virtual device driver, and the §103 rejections to claims 11-20 are therefore withdrawn.
4. Claims 21-35 have been added by the amendment.

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Drawings

5. The drawings are objected to because they do not include certain reference signs mentioned in the description. 37 CFR § 1.84(f) states, "Reference signs not mentioned in the description shall not appear in the drawing and vice versa." The following reference signs are not included in the drawings. Correction is required.

A. Figure 1 - The APM/PMC Device Driver is not labeled "103", as specified on page 14 line 12.

Claim Objections

6. The numbering of claims is not accordance with 37 C.F.R. § 1.126. When claims are added, except when presented in accordance with 37 C.F.R. § 1.121(b), they must be renumbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

New claims 21-35 include two claims with the number 25.

Claim Rejections - 35 USC § 101

7. The first claim 25 (see previous paragraph) is rejected under 35 U.S.C. §101 as being a duplicate of claim 27. MPEP § 706.03(k).

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Claim Rejections - 35 USC § 112

8. Claims 29-35 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Characters appear to have been either added or deleted from the first line of claim 29, thus confusing the meaning of the preamble. Since claims 30-35 depend from claim 29, they also contain this defect.

Allowable Subject Matter

9. Claims 1-35 are allowable over the prior art of record, but rejections under 35 USC § 101 and 112 still exist.

10. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

Independent claims 1, 11, 21 and 29 each specify the use of virtual device drivers to provide power control over devices, instead of using standard device drivers for this purpose. As virtual drivers have no permanent tie to specific hardware, their use in controlling power to specific hardware is considered a novel departure from normal methods of power control. No prior art could be found, either singly or in combination, that would

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make this approach obvious. Since all of the independent claims are allowable, the dependent claims are also allowable.

Conclusion

11. Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

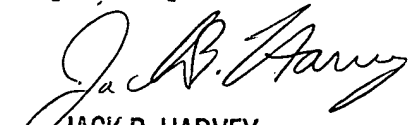
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Travis whose telephone number is (703) 308-5212. The examiner can normally be reached on Monday-Friday from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached at (703) 305-9705. The fax number for this group is (703) 308-5358.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

JFT

JFT
July 22, 1996


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER
GROUP 2300